

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 624 of 2018**

Sunil Kumar Agrawal, S/o. Shri Sitaram Agrawal, Aged About 47 Years,
R/o- Rishabh Complex, M.G. Road, Raipur, Tahsil And District- Raipur,
Chhattisgarh.

----Applicant**Versus**

1. The State of Chhattisgarh, Through- P.S. Golbazar, Raipur, District- Raipur, Chhattisgarh.
2. Ramcharan Sahu, S/o. Dasru Sahu, Aged About 54 Years, R/o.- Pragati Nagar, Near Bajrang Mandir, Mowa, Raipur, Chhattisgarh.

---- Respondents

For Applicant	: Mr. A.K. Prasad, Advocate
For Respondent No.1/State	: Mr. Anupam Dubey, Dy. G.A.
For Respondent No.2	: None present though served.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****03/08/2018**

1. Apprehending arrest in connection with Complaint Case/Criminal Case No.2783/2017, pending before the Court of Judicial Magistrate First Class, Raipur, District – Raipur (C.G.), for offence punishable under Section 465, 467, 468, 471 read with Section 34 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is bonafide purchaser of land in dispute regarding which the

complainant has made claim in his complaint but this claim is not supported with any documentary evidence, whereas, the fact is this that the land belongs to ancestors of the complainant, but the said land was sold out earlier to the various parties. Apart from that, the trial Court has called an enquiry report from the police, before taking cognizance in the complaint in which police has given report that the case is of civil in nature. Therefore, it is prayed that, the applicant may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submission made in this respect. It is submitted that there appears to be some interpolation made in the sale deed, which needs to be explained and apart from that there is evidence present in the complaint against the applicant, hence, he is not entitled to be released on anticipatory bail.
4. Respondent No.2 though served is not represented before this Court. Written objection was filed on his behalf submitting that the complainant was the owner of the property and was in possession at the time when the sale deed was executed. Prayer has been made for rejection of the bail application for grant of bail.
5. I have heard the learned counsel for the parties and perused the case diary and the documents.
6. Complaint has been brought by the respondent No.2 against the applicant and others alleging that the land situated at Village-Mowa was transferred by co-accused Aliyan Begum in favour of the applicant. Survey number of the land transferred were amended later on. It is alleged by the complainant that the said land belongs

to his ancestors. Hence, the offence of fraud and cheating has been committed in this case.

7. Considered the submissions made and the documents placed on record by the applicant and by the objector side. On perusal of the material present on record, the copy of the complaint and the other documents filed along with the application it appears that so far in the enquiry made in the complaint, the evidence to substantiate the claim of the complainant has not been produced, hence, after due consideration of all the material present on record, this Court is inclined to release the applicant on anticipatory bail.
8. Accordingly, the anticipatory bail application is allowed. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. The applicant shall also abide by the following conditions :
 - (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
 - (ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
 - (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

- (iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram